

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Roanoke Division**

I N TRANSPORT, INC.

Plaintiff,

v.

Case No. _____

IVS FREIGHT, INC.,

JD FREIGHT, INC., and

ISAAC DOUGLAS,

Defendants.

COMPLAINT

Plaintiff I N TRANSPORT, Inc. brings this Complaint seeking recovery of damages from property and consequential damages arising from a commercial tractor trailer truck collision for which Defendants are liable, and alleges the following in support.

INTRODUCTION

1. This case concerns Defendants' negligent operation of a tractor trailer, which resulted in a collision on June 25, 2021 that damaged Plaintiff's commercial Freightliner truck, taking it out of service and causing Plaintiff significant and ongoing economic damages including repair costs, storage fees, and lost business revenue and profits, among others.

PARTIES

2. Plaintiff I N Transport Inc. is a Michigan corporation with its principal place of business in Michigan.

3. JD Freight, Inc. and IVS Freight, Inc. were, upon information and belief, the carriers and lessees operating the 2016 Volvo truck.

4. Upon information and belief, both JD Freight and IVS Freight are related corporations organized under the laws of Illinois, where their principal places of business are. Both list as their registered agent Ivan Stoilkovic, whose address for service on JD Freight is 9720 Industrial Dr., Bridgeview, Illinois 60455-2305, and for IVS Freight, is 6325 Fairview Ave. #B, Westmont, Illinois, 60559.

5. Each defendant regularly engaged in the business of commercial trucking in the Western District of Virginia, including the specific acts causing the collision at issue in Wytheville, Virginia.

6. Upon information and belief, Defendant Douglas is a resident of Mississippi. At all times mentioned in this Complaint, Defendant Douglas was the acting and qualified agent and/or employee of JD Freight and IVS Freight, and was acting within the scope of his duties and employment for them, and under their control and supervision. They are vicariously liable for Douglas' actions and omissions.

JURISDICTION AND VENUE

7. This Court has jurisdiction 28 U.S.C. § 1332(d), as the parties are citizens of, incorporated in, and/or have principal places of business in different states.

8. Venue is proper in this Court because the acts and omissions and the resulting, damaging events giving rise to Plaintiff's claim occurred in this District, in Wythe County (Roanoke Division).

NEGLIGENT INJURY TO PROPERTY

9. On or about June 25, 2021, in the early morning at around 4:00 a.m., Plaintiff's driver John A. O'Malley was legally parked in a 2005 Freightliner tractor owned by Plaintiff, at a truck stop in Wytheville, Virginia.

10. At the same time and place, Defendants, though driver Isaac Douglas, were operating a 2016 Volvo tractor in the course and scope of employment for the corporate defendants.

11. Defendants owed Plaintiff and its driver the duties attendant to operating the commercial motor vehicle with reasonable care and with due regard for other drivers and vehicles.

12. Defendant Douglas, acting in the course and scope of employment for Defendants, negligently backed into Plaintiff's Freightliner, causing damage and disabling Plaintiff's truck.

13. Defendants negligently breached duties by:

- a. failing to keep a proper lookout;
- b. failing to give full and proper attention to the operation of his motor vehicle and its surroundings;
- c. operating his motor vehicle without due care for the circumstances and conditions there existing;
- d. failing to properly operate his motor vehicle under proper and reasonable control, particularly when parking or backing; and
- e. other breaches of duties of care for a commercial driver in that time and place.

14. As a direct and proximate result of Defendants' breaches, Douglas struck the Freightliner truck owned by Plaintiff, causing damage to Plaintiff's vehicle and consequent economic losses and damages to Plaintiff due to the injuries to its property.

15. As a proximate result of the negligence of defendants, and each of them, as alleged, Plaintiff's truck was damaged and removed from business use, causing income loss and storage and towing fees. The truck required repairs estimated at \$20,404.66 on August 5, 2021, far less than the reasonable market value of the truck. Defendants, through their insurance administrator and agent (NARS), have refused to pay for the repair, and engaged in extensive, unreasonable delay and bad faith, causing consequential depreciation, additional costs of repair, as well as other consequential damages including storage fees and losses of use from the date of the wreck to the present, and continuing.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff demands a jury trial on all claims so triable, judgment for Plaintiff and an award of damages for economic losses including costs of repair, depreciation, losses of use and business income, storage and towing fees, in an amount no less than TWO HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 (\$250,000), plus pre-judgment interest from the date of collision, post-judgment interest through full satisfaction, and such other relief as the Court deems just and proper.

Plaintiff demands a trial by jury.

Date: August 8, 2023

Respectfully submitted,

s/ Devon J. Munro

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